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Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P.O. Box 30307, M/S 010
North Las Vegas, NV 89036-0307

EIS001207

February 1, 2000

Re: YUCCA MOUNTAIN DRAFT EIS, PUBLIC COMMENT

Dear Ms. Dixon:

1... Please include this correspondence as part of the Official Record of Proceedings on the Yucca Mountain Project Draft EIS. As the agency implements National Environmental Policy Act (NEPA) in the Yucca Mountain Project, the agency is determining the suitability of an unprecedented project, i.e., the nation's first "permanent" repository for High-Level radioactive waste after the site has been selected, i.e., named in Nuclear Waste Policy Act. No "other candidate site", as of the date of this correspondence to my knowledge, has ever been considered as an alternative to the Yucca Mountain site. Although, it would seem reasonable to predict that another candidate site will be required or that the Yucca Mountain 70,000 metric ton capacity will require future adjustments to accommodate: 1) the spent nuclear fuel already awaiting disposal, 2) the commercial spent nuclear fuel projected to be produced requiring disposal (in civilian nuclear reactors using LEU fuel), 3) the "uncertainty" of the final disposition of 33 metric tons of surplus-to-national-defense-program needs of nuclear weapons grade plutonium to be recycled/ "used" in commercial nuclear reactors, and 4) the 17 metric tons of surplus plutonium to be immobilized in ceramic form, sealed in cans, and placed in canisters filled with borosilicate glass at the Defense Waste Processing Facility, SRS. Ref.: U.S. DEPARTMENT OF ENERGY, RECORD OF DECISION FOR THE SURPLUS PLUTONIUM DISPOSITION FINAL ENVIRONMENTAL IMPACT STATEMENT, Issued January 4, 2000.

CONCLUSION:

The Department of Energy has decided to disposition up to 50 metric tons of plutonium at SRS using a hybrid approach and the MOX approach. Approximately 17 metric tons of surplus plutonium will be immobilized in a ceramic form, placed in cans, and embedded in large canisters containing high-level vitrified waste for ULTIMATE DISPOSAL IN A GEOLOGIC REPOSITORY PURSUANT TO THE NUCLEAR WASTE POLICY ACT (Emphasis added). Approximately 33 metric tons of surplus plutonium will be used to fabricate MOX fuel, which will be irradiated in existing domestic, commercial reactors. The reactors are the

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Catawba Nuclear Station near York, South Carolina; the McGuire Nuclear Station near Huntersville, North Carolina; and the North Anna Power Station near Mineral, Virginia. THE RESULTING SPENT FUEL WILL BE PLACED IN A GEOLOGIC REPOSITORY PURSUANT TO THE NUCLEAR WASTE POLICY ACT (Emphasis added). Ibid. page 29.

It is apparent (and transparent) that the Department of Energy has either already determined that the Yucca Mountain Site is to be receptor of 33 metric tons of excess plutonium after recycling in commercial nuclear reactors (named in January 4, 2000 DOE ROD) and to "ultimately" receive 17 metric tons of surplus plutonium after processing and "placement" at DOE SRS, or alternate site to Yucca Mountain has yet to be "named" pursuant to revisiting of the language of Nuclear Waste Policy Act, after-the-fact and late in the process. Re-inventing The Nuclear Waste Policy Act by belated re-interpretation would involve consider deception, as would siting Yucca Mountain as designed to capacity of 70,000 metric tons with "annex" already in planning stages.

DOE Yucca Mountain Site Characterization Office has obligation to coordinate with other DOE agency actions to determine whether Yucca Mountain's design capacity (70,000 metric tons) will accommodate/hold the 17 metric tons of surplus plutonium to be processed at SRS, and the metric tons of spent nuclear fuel to be generated from recycling 33 metric tons of surplus plutonium as MOX fuel. How much high-level radioactive waste will be generated from 33 metric tons of plutonium irradiated in commercial reactors as MOX fuel?

Have previous DOE Yucca Mountain Site calculations included radiation doses to the environment and surrounding population from 17 metric tons of nuclear weapons excess plutonium in cans placed in canisters filled with borosilicate glass containing intensely radioactive high-level waste? What adjustments have been made by DOE Yucca Mountain Site Office to radiation dose(s) to a MEI and, thereby, health risks to the residents in vicinity of the Yucca Mountain Repository? The MEI is "assumed" to be the off-site person receiving the highest exposure at a point of maximum contaminants 24 hours a day, 7 days a week, for the period of operations under analysis. Which "operational" standard is DOE applying to the Yucca Mountain HLRW Disposal Site: the period of time HLRW is transported and placed in the site, 100 years, and/or 10,000 years, or the period of time when the HLRW has decayed to only half its radioactivity (100,000's of thousand years)? Has DOE included genetic impacts in MEI dose calculations, with and without 50 metric tons of can-in-canister and MOX fuel recycled plutonium?

Have transportation requirements to Yucca Mountain been calculated to include the 17 metric tons of plutonium from SRS and the recycled Pu/MOX fuel from commercial nuclear reactors?

Has the Yucca Mountain Site Characterization Office determined the package design (can in canisters filled with borosilicate glass containing

...4 intensely radioactive high-level waste) to be acceptable/suitable for disposal? Has this technology been deemed to meet performance standards? How and when were performance/can-in-canister design standards tested and approved? During what time period of the Yucca Mountain Site operations are these can-in-canisters anticipated to fail/leak? According to DOE ROD of 1/4/00, Disposition of Surplus Pu, NRC has through some process approved (or tolerated) shipment of 17 metric tons of weapons grade surplus Pu canned in canisters at the SRS for disposal at Yucca Mountain or another candidate pursuant to the Nuclear Waste Policy Act. What procedure was used by NRC, how and when was this done? DOE Yucca Mountain Site Characterization Office has obligation to address the full impacts of the total project during EIS process.

...1 It would certainly appear that DOE and others, through various actions, are re-designing/retro-fitting either the Yucca Mountain Site and/or The Nuclear Waste Policy Act or both. NEPA process, as well as democratic process would seem to suffer considerable harm, i.e., discredit by any such "re-designing" of the process by any agencies.

In spite of considerable pressures from political forces, DOE cannot reasonably proceed with agency actions that essentially throttle and strangle democratic process in order to, in the larger perspective, save democracy! Although, the agency has made some attempt at articulating "purpose and need" in ROD Surplus Plutonium Disposition Final Impact Statement of 1/4/2000 in support of a cooperative agreements between the United States and Russia to reduce the threat of nuclear weapons proliferation world-wide by "disposing of surplus plutonium in a safe, secure, environmentally acceptable and timely manner." (Ref: 1/4/00, ROD, pg. 3.) Some obvious DOE 1/4/00 ROD contradictions require mention for consideration by DOE Yucca Mountain Site Characterization Office.

1) DOE determination in ROD 1/4/00 is to meet THE SPENT FUEL STANDARD (that surplus plutonium be made roughly as inaccessible and unattractive for weapons production as the much larger and growing stock of plutonium in civilian spent nuclear fuel) by "recycling"/generating MOX fuel from 33 metric tons of surplus weapons grade plutonium. Given the fact that plutonium produced in commercial nuclear reactors can be used in nuclear weapons (although the United States has not done so), the "unattractive" and "Inaccessible" Spent Fuel Standard appears by terminology only much more significant in advancing non-proliferation of nuclear weapons by foreign countries than is actually accomplished. DOE has met THE SPENT FUEL STANDARD by ROD 1/4/00 by decision to produce SPENT FUEL--which the U.S. has never historically used in the production of nuclear weapons! Logic would require conclusion that meeting the Spent Fuel Standard accomplishes non-proliferation of the U.S. surplus Pu by making it "unattractive" to the U.S. only!

2) Potential "benefit" of disposition of excess Pu in forms meeting the Spent Fuel Standard include:

Lay(ing) the essential foundation for parallel

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disposition of excess Russian plutonium, reducing risks that Russia might threaten U.S. Security by rebuilding its Cold War nuclear weapons arsenal, or that this material might be stolen for use by potential proliferators.

Russia is presently reported to be in process of rebuilding its weapons arsenal, conventional and high-tech. Russia's "weakness" in conventional forces has recently motivated a New Doctrine which would allow its leaders to use all existing forces--including nuclear weapons to oppose any attack, conventional or nuclear.

Nuclear weapons formerly were to be used to defend sovereignty. It would appear that Russia intends to significantly increase spending on its military forces--which makes surplus plutonium a potentially valuable and saleable commodity. See Attachment I: "Putkin Calls for Increase in Weapons Spending," 1/28/2000, THE LEDGER INDEPENDENT, pg. 7-A. It would certainly seem apparent that meeting The Spent Fuel Standard has little, if anything, to do with nuclear non-proliferation as priority item on Russia's current agenda. Has DOE program-wide considered the potential sources of funding available to Russia to rebuild its nuclear and conventional arms program?

3) Threat of theft and terrorist attack of surplus plutonium increases during transport. (Ref.: DOE ROD 1/4/00, Disposition of Surplus Plutonium.) Considerable transport prior (from DOE stockpile storage to processing facilities), during processing, to the six nuclear reactors for use, and after--as disposal/repository waste pursuant to The Nuclear Waste Policy Act is required in DOE ROD of 1/4/00.

4) DOE decision to "recycle" surplus U.S. weapons grade plutonium, may in all probability, proliferate plutonium rather than keep it out of "the wrong hands." Should foreign nations follow the U.S. lead in the use of MOX in commercial reactors, plutonium (not of the purity of U.S. weapons grade) will, in fact, be produced. See Attachment II, "Iran's Nuclear Progress a Worry," THE CINCINNATI ENQUIRER, Jan. 18, 2000, pg. A-4.

Even though Iran ratified the Nuclear Nonproliferation Treaty in 1970 and since 1992. . .it has repeatedly tried to overcome the major weakness in its program--the lack of either enriched uranium or plutonium. Since the early 1990's, Iran has been purchasing equipment that could be used in a peaceful or nuclear weapons program from Russia, China, and European countries.

Russia is helping complete construction of Iran's primary nuclear reactor at Bushehr, and Moscow is training Iranian nuclear scientists. (Ref.: IBID.)

Argument with some misgivings in DOE ROD of 1/4/00 indicates foreign nations may, in fact, "misread" the signals being sent by decision to use MOX fuel in U.S. commercial nuclear reactors. Furthermore, the U.S. sent a somewhat "mixed" signal by recent Congressional failure

...1 to ratify the Nuclear (Weapons) Non-proliferation Treaty. DOE decision to recycle 37 metric tons of Pu surplus to program needs would seem highly unlikely to send higher priority signal to foreign nations, including Russia. Bluntly stated, foreign nations certainly appear to be "sending the U.S. nuclear weapons signals" which DOE should consider in agency decision-making process!

6 DOE is mandated to determine the suitability of the Yucca Mountain Site as permanent repository for High-Level Radioactive Waste. DOE must consider the volume and radioactivity of what is currently being proposed for disposal, and disposal packaging/container technology, including the "can-in-canister" for surplus Pu pursuant to Nuclear Waste Policy Act. According to ROD of 1/4/00, the Nuclear Regulatory Commission (NRC) has concurred and/or signed-off on DOE's preferred alternative for disposal packaging of 17 metric tons of surplus Pu.

7 It seems rather obvious that "recycling" has economic advantage to the agency program-wide budget, as well as commercial nuclear utility interests. What parties are responsible for the disposal costs of MOX spent fuel projected to be generated from recycling of 37 metric tons of surplus weapons grade Pu? Is the cost of disposition to be paid by the utility companies using the MOX fuel, the U.S. taxpayer (as part of meeting THE SPENT FUEL STANDARD or other), or assessed directly or indirectly to electricity consumers supplied by nuclear utilities? It is worth mention that consumers presently purchasing electricity from nuclear generating plants pay more for their electricity than consumers supplied by other fuels. One-time plutonium recycling via MOX fuel requires some means to pay disposal costs of spent fuel, how is the cost to be assessed and what parties are to pay for it?

The logic, as expressed, in DOE ROD of 1/4/00 requires explanation. Contention that security measures and safeguards with goal of keeping 50 metric tons of weapons surplus plutonium with considerable (hundreds of millions of dollars in monetary value) are best served by transferring it to private industries for processing and accounting requires considerably more consideration and details!

8 In fairness to DOE, the agency is not the "worst offender" in "spin" disguised as public participation. Local Radio talk program (WAXZ, Brown County of Ohio) of 2/1/00 featured county Director of Development who discussed some fashion of public participation and in-put into the decision-making process. Apparently "growth is inevitable" and a survey is presently in progress to discuss how local citizens want to control that inevitable growth (Brown County is presently rural in character). The Economic Development Director described the public participation process in local land use decision-making as follows. The Director "picked out" 600 names at random based upon geography through-out the county from voting records on file at the Brown County Board of Elections. Providing for geographic disbursements, the 600 "randomly" selected Brown County residents are asked via U.S. Postal Service mailing to complete a survey which will serve as basis for future

county-wide land use decisions by his office and other county officials. After results from the opinions of respondents of the 600 selected citizens are tabulated, a strategic planning process will begin. Open meetings will be held in the county whereby citizens not selected can put "their two-cents worth" (quoting the radio announcer and Director).

It is rather obvious whose "two cents worth" is already being counted by multiple deceptions in the public involvement and public information disbursement process! See Attachment III, "600 To Receive Issues Survey In Brown County, All-out effort made to include people in planning process," THE LEDGER INDEPENDENT, Feb. 1, 2000, pg. B-1. Note that paragraph 1 fails to indicate, as stated by the Brown County Director of Development on WAXZ Radio program, HOW (emphasis added) the 600 county citizens were selected randomly. Note paragraph 4 which indicates that 100 percent of the 600 selected are anticipated by Director Miller to return their surveys on or before Feb. 27, 2000. Surveys are to be mailed out to selected respondents sometime this week!

Four "issues" require DOE attention. 1) Anticipation by Brown County Director of Development that 100 percent of surveys will be completed and returned to his office on or before Feb. 27, 2000 so that 600 responses will be used as basis for "strategic" planning by his office and other elected local officials. One must ask what precedent Director Miller has relied upon in conducting "surveys" from respondents receiving surveys via the U.S. Postal Service which causes him to anticipate 100 percent response! 2) 30 day response time for completion and return by U.S. mail or other delivery to the Director for totalling of results would seem minimal (and legal) yet surveys are to be delivered sometime during the first week of February and returned no later than Feb. 27, 2000. Short time period would not seem to enhance expectation of 100 percent response by citizens surveyed. 3) "Randomly" does not really mean "randomly" since selections were consciously done as Director Miller indicated by him using some process with particular attention to geographic distribution within the county from records at the Brown County Board of Elections! 4) The results of the survey cannot, by selection process, in fact be completely anonymous, as claimed in first full paragraph 2, page B-2, Attachment II. "Completely anonymous" is completely out of the question since geographic distribution of return postmarks would provide some clue as to who sent what responses. Director Miller would have records of who was "geographically" selected "at random." Furthermore, it is rather obvious that the process as applied leaves no means of any citizen questioning the 600 survey response final tally as announced and presented in "open" public meetings.

'Brown County is growing very rapidly. We can either be reactive or proactive in developing a plan for growth. Growth is going to happen, but do we want to just let it happen or do we want to channel how it develops?' Miller said. (Attachment III.)

Apparently considerable "channeling" is already being done in the strategic planning process. Pre-selected potential respondents (100 percent of them) are asked to rank the following items in order of importance to them: residential growth, preserving agricultural land (prime farmland I would suspect), securing adequate public services such as roads, sewer, water, schools, open (green) space, industrial/commercial. Those surveyed will also be asked to rate how strongly they feel about the following types of development: residential (housing), retail, parks and recreation, open space/green belts, farmland, preservation, tourism, industrial, or other. It would certainly appear that whatever "opinions" are received the final strategy will accommodate all of the above, except most likely "other."

With the survey, Miller is retracing the steps taken by the former development director, but says THE DIFFERENCE IN THE RESULTS WILL BE AN ALL-OUT EFFORT TO INCLUDE PEOPLE IN THE PLANNING PROCESS (emphasis added). Attachment III.

In conclusion of WAX 2/1/00 radio guest spot, the Director of Development was asked by the radio announcer: "What does industrial and commercial business look for?" The answer given: "Available workforce." One almost begins to decipher the wisdom of the noted baseball philosopher's observation about a famous restaurant--"it's so crowded that nobody goes there anymore." For purposes of hazardous and radioactive materials transport (and whatever) Brown County and the Southern region of Ohio is a rural zone which means routine operational releases, accidents, release-of-materials incidents, and even a catastrophe wouldn't be as great a "risk" to as many people potentially. On the other hand, Brown County and its surrounding rural region are posed for imminent growth and require a considerable workforce (increase in population), and residences for that workforce in the region! Nobody lives there, so everything goes through, to and on there now??

Apparently (also transparently) the retracing of the former Brown County Development Director's "steps" does not include any opportunity for interested parties, concerned citizens, and taxpayers to "respond" to the survey or participate in the planning process until "open" meetings are held so that those parties can attend and, when appropriate put in their two-cents worth! The "strategic" planning has already been done. A survey was published in local newspapers which allowed any interested party to complete and return it for tallying in survey results, not 600 pre-selected registered voters only! Two planning documents were released in Feb. 1999 through the Brown County Office of Economic Development (under former director) and meetings held for presentation and some discussion. Ohio Valley Resource and Development Commission (OVRDC) as Consultant with the Brown County Board of Commissioners released BROWN COUNTY LAND USE CAPABILITIES ANALYSIS and THE BROWN COUNTY BOARD OF COMMISSIONERS PRESENT A GREENWAY & OPEN SPACE STUDY (DRAFT 2), BROWN COUNTY OF OHIO, USA, JANUARY 1999.

Note that DOE/EIS-0200-F FINAL WASTE MANAGEMENT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, according to the 1990 Census as reported, failed to find any low income or minority populations living within a 50 mile radius of the Portsmouth Gaseous Diffusion Plant located in Piketon, Pike County of Ohio (which includes about half of Brown County). Below state level income and availability of living wage jobs to local residents would hardly seem to be a county-wide strategic planning issue of focus, except that its so rural nobody goes there (cares what goes on there)!

Suspicion-of-data and strategic planning survey increase significantly since previous Brown County Economic Development Director's BROWN COUNTY LAND USE CAPABILITIES ANALYSIS met with public review, objection, and comment. However, that survey was not "disbursed" to only 600 respondents selected from county voting records, it was published in the local newspapers as were the announcements of meetings where people could "put in their two cents worth," i.e., object before-the-fact!

If Ohio, particularly Brown County of Ohio, is subject to compliance with essentially the same federal laws and regulations as the Commonwealth of Kentucky (which has not been well established in recent years), local "strategic" planning and zoning have considerable elements of "ruse and scam" by implying without direct statement to the local public that what is 'blessed/sanctioned/agreed to' by them actually has direct impact upon the outcome(s), i.e., what kind of and where 'growth and development' projects locate, and what will not be permitted to locate. Strategic planning sessions, surveys, "open" meetings, and county/township zoning are promoted as being prohibitive and protective measures to concerned local citizens. According to Cliff Radel, "Compact Could Have Killed Mine, " THE CINCINNATI ENQUIRER, Jan. 26, 2000, pg. B-1:

Boone County (Ky.) can't seem to stop an underground limestone mine from opening for business. The county looks powerless to control its destiny and maintain the nature of the community.

The situation offers a valuable lesson for other rapidly growing areas transforming themselves from farmland to suburbia.

The lesson is this: Communities on both sides of the river (Ohio River) can join forces to control their quality of life.

Regionalism--intense and thorough cooperation between states and counties--is the answer. The solution is specifically called an interstate compact. And a fine working example is as close to home as the commission that cleaned up the Ohio River.

Boone County residents and officials tried to regulate what kind of business came into their area. Together they fought for years to keep Boone County free of underground mines. But they lost the battle in court in 1997. Last week, proposals for two mining operations

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placed before the county made the arrival of a mine seem inevitable.

Back in 1997, a visiting circuit court judge ruled that Boone County can't prohibit a legitimate business from operating. . . .the judge ruled, mines are a legitimate business. They can't be zoned out of existence. In order to control or restrict businesses, THE COUNTY MUST PROVIDE ZONING RULES AND REGULATIONS, AS WELL AS A ZONE ON THE MAP WHERE MINING IS PERMITTED (emphasis added). See Attachment IV.

It would seem apparent that Brown County of Ohio's strategic planning consultants and promoters would have reason to know of federal and state court decisions which provide for what can be done legally to restrict certain types of legitimate businesses from locating. The significance of "geographic random selection" of survey recipients is rather obvious. Supposedly 600 respondents (100 percent of them) are going to be surveyed with results and "open" meetings following which will announce to the as-of-yet unsuspecting general public where environmentally degrading, polluting, and adverse impact projects to human health are going to be allowed to operate as legitimate businesses in Brown County, Ohio! The "spin doctoring" certainly appears to me to be device to cover-the-tracks of elected, selected, and appointed officials who might prefer to avoid consequences, i.e. disgruntled voters, in future elections. Survey respondents are, in practical fact, being asked to select victimization sites within their county and local communities. Victims are being asked (unknown to them) to ask for their own destruction or offer alternative victims for the greater (county?) good.

The "random geographic" selection with considerable political spin was apparent in recent controversy surrounding the siting of the Midwest Compact regional Low-Level Radioactive Waste Disposal Facility in Ohio. Ohio's role as Midwest Compact host state has, apparently, been put on hold. The Compact system it seems is "fatally flawed" which according to GAO investigation translates to mean the regional compact system has failed to result in construction and operation of a LLRW disposal facility mostly due to public opposition during the siting process.

By the end of 1998, states, acting alone or in compacts had collectively spent almost \$600 Million attempting to develop new disposal facilities. However, none of these efforts have been successful. (Ref.: GAO/LOW-LEVEL RADIOACTIVE WASTES: STATES ARE NOT DEVELOPING DISPOSAL FACILITIES, GAO/RCED-99-238, pg. 3.)

"Common threads" resulting in no new LLRW disposal facilities being sited using the compact system include the controversial nature of nuclear waste and scepticism about/and in opposition to disposal facilities from the public. Since the compact system has failed to produce disposal facilities alternatives are being considered which include re-visiting the compact system.

States, compacts, and industry groups have discussed alternatives to alleviate current conditions. Possible alternatives include

repealing the compact acts so that private industry can provide waste generators throughout the country with disposal services or using one or more of DOE's disposal facilities to dispose of commercial wastes. To be successful, any one of these approaches would have to address the willingness--or unwillingness--of any state or states to serve as host for a disposal facility. (Ref.: IBID. pg. 7.)

GAO narrative continues:

Also, DOE expects to use commercial facilities to dispose of 20 to 40 Million cubic feet of its low-level radioactive waste over the next 70 years. Therefore, proponents argue, private industry--unencumbered by compact-imposed restrictions--could meet the need of both the commercial sector and DOE. . . .

. . . Nevada, for example, has firmly opposed the federal program to develop a geologic repository at Yucca Mountain for disposing highly radioactive wastes. The state has opposed this program despite authorization to enter into agreement with DOE that could provide the state with hundreds of millions of dollars in benefits payments over several decades. (Ref.: IBID. pg. 8.)

The state of Nevada's refusal to accept considerable monetary payment to ignore "the opposition" has not yet caught-on in Brown County of Ohio, or apparently within the state of Ohio. Ohio EPA spokesperson Lynne Barst is quoted as not being concerned when a vehicle carrying radioactive pharmaceuticals collided with another truck and became engulfed in flames.

Firefighters were trying to extinguish the blaze when they noticed metal canisters with the warning 'Radiation Biohazard' said Mr. Stahl who is the public safety director for Seneca County.

'We immediately got our radiation equipment and started checking the scene,' Mr. Stahl said. 'You could see the containers lying right there on the ground. One broke open.'

. . . About 15 metal canisters containing small amounts of radioactive pharmaceuticals--biohazardous waste, such as syringes used to inject radioactive dyes--tumbled out of the Syncor truck. 'Everything that was in that container was low-level,' said Lynne Barst, an (OH) EPA spokeswoman. 'It was not of great concern.' (Ref.: "Crash Kills Two, Spills Waste, THE TOLEDO BLADE, Dec. 24, 1999, Attachment X.)

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Although DOE Yucca Mountain Site Office cannot intervene in local political manipulation of democratic process, it must acknowledge that trusting local levels to implement NEPA and democratic process is, at times, trust misplaced. Unethical actions and illegal actions have recently been subject of criminal and civil investigations within the region of Ohio and Kentucky considered by DOE as transport corridors for HLRW (and surplus nuclear weapons arsenal materials). DOE must consider recent regional examples of conduct (and lack of concern)

which could potentially place the general public at considerable risk during transport of nuclear materials through regional transportation corridors.

...9 Lewis County of Kentucky Grand Jury recently indicted an individual believed to be connected to a multi-state semi trailer theft ring. The man was from Lucasville, Ohio. Further investigation is continuing with charges expected against a man from Piketon, Ohio (location of the Portsmouth Gaseous Diffusion Plant). See Attachment V, "First Charges Brought In Theft Ring Investigation," THE LEDGER INDEPENDENT, Jan. 25, 2000, pg. A-1. The point here is rather obvious, transport of materials to the Yucca Mountain Site may not be as "secure" as DOE would seem to believe in agency calculations regarding risk assessment from accident, "incident" or theft.

As further example of paperwork done--work not done--Hamilton County, Ohio (Cincinnati) senior engineer and others are currently under investigation for filing reports which stated that \$15 million dollars was spent to repair roads that were never repaired! Apparently, false reports were filed for a period of 7 years. The senior engineer being held most responsible never passed the test to an engineering license from the state of Ohio--in fact he had twice taken and failed the state test. See Attachment VI, "Engineers Face Firing In Street Deception," THE CINCINNATI ENQUIRER, Jan. 26, 2000, pg. A-1, and Attachment VII, "City Engineer Lacked License," THE CINCINNATI ENQUIRER, Jan. 28, 2000, pg. A-1.

Contingency plans and emergency preparedness are being promoted by local utility companies in order to assure customers in the event of (winter) disaster and/or electric power outages. See Attachments VIII and XIX, "Power Outages Remind of Need for Winter Disaster Preparedness," THE LEDGER INDEPENDENT, Jan. 28, 2000, pg. 5-B, and "AEP (American Electric Power) Reports Six-Year Electric Demand Record," THE LEDGER INDEPENDENT, Jan. 29, 2000, pg. A-1. It would seem that local electric utility companies are publicizing power outage preparedness with "spin" to residential customers/consumers to get their houses prepared in case electricity is unavailable to them again for hours at a time. It would also seem that the old saying about one never misses anything until its not there applies. Need for electricity to residential customers is reinforced to residential customers when the electricity goes off. As the electric utility industry deregulates, consumers are now aware of their dependence upon electricity--which is curious and worth mention to DOE Yucca Mountain Site Office as decisions are being made about the future of commercial nuclear electric generating utilities. Note that AEP is the electric supplier to the Portsmouth Gaseous Diffusion Plant which consumes roughly the same amount of electricity daily as the city of Los Angeles, CA. It seems unlikely that AEP will disconnect PORTS during peak electricity demand periods.

10 In conclusion, DOE obviously has multiple "primary-drivers" in implementing NEPA process, including The Nuclear Waste Policy Act, international treaty, and other agreements. DOE has obligation to apply the same standards of protection to the natural environment and human health through-out the Yucca Mountain Site Project as are

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required in other agency actions by the U.S. Environmental Protection Agency, the Nuclear Regulatory Commission (when appropriate), and the agency's own regulations and policies. The agency should not rely on "assumption" that state and local decision-making process as implemented necessarily complies with intent or wording of NEPA process, i.e., fully informed participation by the public at the earliest practical stage in the planning process. It would seem that the strategic plan, implemented locally, is more than somewhat selective about who is informed, who is selected to participate, and what decisions are actually being made. Nuclear Waste Policy Act "selected" the geographic zone where the nation's first High-Level Radioactive Waste "permanent" repository siting process would begin. It seems that the same general political siting criteria applies to the process now going on in Brown County of Ohio, i.e., nobody lives there (with sufficient political clout, resources, and stamina to halt the creation of a sacrifice zone). Legitimate business has obligation to use legitimate practices, including strategies and tactics. Promoting the victimization of some for the benefit of others does not meet criteria of providing acceptable solution to "fatal flaw" (public opposition) during the siting process. DOE has obligation to consider all the implications of the suitability of the site, and the direct and indirect impacts likely to occur resulting from agency actions. Tolerating considerable harm to democratic process in order to save democracy cannot be acceptable solution and DOE should use appropriate regulatory authority to prevent, sanction, and discourage such tactics. |

Thank you for opportunity to comment and for providing information upon which to comment to interested parties.

Sincerely,

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Via facsimile transmission to 1-800-967-0739
on 2/3/00 at approx 9:00 and The U.S. Postal Service,
by certified mail, article number 9-301-367-183, return receipt requested,
postage prepaid on 2/3/00.

* facsimile transmission
begin 8:51 A.M. E.S.T. *

Putin calls for increase in weapons spending

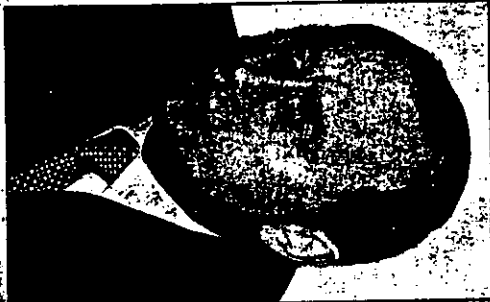
By BARRY RENSHAW
Associated Press

MOSCOW — In one of his first major policy decisions, acting President Vladimir Putin approved plans Thursday to modernize the Russian military by sharply increasing the purchase of new weapons and equipment.

Putin, who wants to restore Russia as a global power, also said the defense budget would be reallocated so more money goes to developing high-tech conventional weapons.

The Russian military is in the midst of being starved of funds for years, and some military leaders privately said that it could not fight a major conventional war.

The army has been underfunded for several years, which has entailed negative consequences for the nation's defense potential, Putin said. It has raised doubts about the very possibility for Russia to have a modern army equipped with state-of-the-art weapons.



acting President Vladimir Putin

While the new policy does not call for an increase in the \$5.1 billion military budget for 2000, it authorizes a shift in spending priorities.

Deputy Prime Minister Igor Klushnikov said the plan calls for an increase in spending on weapons and development by up to 80 percent in some categories. He said spending on military supplies overall would increase by 50 percent, but he refused to give any more specifics.

Mayors discuss school violence, release report on gun deaths

By ANIETTA MCQUEEN
AP Education Writer

Last spring, in consideration of blood, a juvenile justice bill, the

Putin in Chechnya and his calls to restore Russia's economic and military might.

It was not clear if the new policy would have an immediate impact. The government has been unable to fully fund the military budget in recent years and has yet to halt the decline of the armed forces despite several calls for greater military spending.

The government will be trying to buy more weapons by reducing spending in other areas, but there was no indication which areas would be cut. The Russian military is mainly made up of conscripts who receive almost no pay, and equipment purchases already make up a large part of the defense budget.

The Russian military received hardly any new weapons during the 1990s. The air force said last April that it had not received a new plane since 1993 and did not expect any new aircraft until 2001. The navy has built a few warships in the past decade, and the army is short of everything from rifles to food.

Klushnikov said the new measures were needed to create a modern military with advanced equipment like night-vision devices. The lack of such equipment has been a major problem in Chechnya.

Russia's military spending in recent years was focused on maintaining the country's nuclear arsenal, its main claim to world power and, following the collapse of the

“The army has been underfunded for several years, which has entailed negative consequences for the nation's defense potential. It has raised doubts about the very possibility for Russia to have a modern army equipped with state-of-the-art weapons.”

—VLADIMIR PUTIN, acting Russian president

former Union. The realists of the Russian conventional forces was a stark contrast behind the recent shift in the country's national security doctrine, military experts say.

The new doctrine would allow the Russian military to engage in pre-emptive strikes against potential aggressors. While nuclear forces remain a priority, the state defense doctrine stated that Russia, moving toward purchasing weapons for conventional weapons, only is purchasing weapons for conventional weapons.

He said that along with modernizing the Russian conventional forces, the government will launch new military exercises to replace global exercises.

“While nuclear forces remain a priority, the state defense doctrine stated that Russia, moving toward purchasing weapons for conventional weapons, only is purchasing weapons for conventional weapons.”

186: Miami-Dade County, Fla. something that educators could offer must help schools live

EIS001207

TUESDAY, JANUARY 18, 2000

THE CINCINNATI ENQUIRER

Iran's ~~X~~ nuclear progress a worry

BY WALTER PINCUS

The Washington Post

WASHINGTON — An intelligence report indicating an Iranian official had said his country had enough nuclear materials to build a bomb has led agency analysts recently to hedge their bets about whether Tehran can produce such a weapon, according to administration sources.

A CIA spokesman on Monday would say only that the agency has had a "long interest" in Iran's nuclear weapons research and has been "watching it on a continuing basis." Asked about a change in the agency's assessment, he responded, "There are as many opinions as analysts on that subject." The CIA's new view of Iran's nuclear potential was reported in Monday editions of the *New York Times*.

A senior administration official who follows nuclear weapons activities said Monday that when the CIA report on the Iranian's remark first circulated last year, "it was not viewed as very significant." It is only recently that the agency has "made it an asterisk" in its analysis, he added.

"We don't want to discount the possibility," he said, "but no one is asserting (the Iranians) have enough for a bomb."

Iran has made no secret that it has had a nuclear weapons program for more than 15 years, driven primarily by Iraq's program and Baghdad's use of chemical weapons during their war. Another incentive was Israel's possession of nuclear weapons.

Even though Iran ratified the Nuclear Nonproliferation Treaty in 1970 and since 1992 has allowed inspectors from the International Atomic Energy Agency (IAEA) to look at its nuclear facilities, it has repeatedly tried to overcome the major weakness in its program — the lack of either enriched uranium or plutonium. Since the early 1990s, Iran has been purchasing equipment that could be used in a peaceful or nuclear weapons program from Russia, China and European countries.

Russia is helping complete construction of Iran's primary nuclear reactor at Bushehr, and Moscow is training Iranian nuclear scientists.



Shirley Grooms

Shirley Grooms appointed to national board

Staff report

Grooms Construction announced the appointment of Shirley Grooms to the board of the Association of National Government Contractors. There are seven board members nationwide.

The ANGC meets in different regions of the country twice a year to consult, advise and direct administrative ideas regarding fringe benefit plans for all governmental contracts affecting association members throughout the United States.

Shirley Grooms is vice president of Grooms Construction Company, one of Ohio's largest rural contractors. The company is located in West Union. Grooms is also president of Shirley's Construction, an asphalt and site development contractor.

Grooms has been active in all phases of construction management, employee 401k and pension plans and ownership

See GROOMS on page 2B
Continued from Page 1B

responsibilities for more than 20 years. Her desire and experience to care for both employees' and companies' interests and to make sure the right plans are put in place for all parties is a valuable asset to the board and ANGC members.

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The Lodge Independent

EIS001207

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600 to receive issues survey in Brown County

All-out effort made to include people in planning process

By T. J. TUCKER

Staff Writer

Six hundred Brown County citizens will be randomly selected to participate in a survey to determine key issues of concern for planning for growth in the county.

"Planning boils down to quality of life issues for everyone living in the county," said Brown County Economic Development Director Mike Miller.

"This random survey is just the first phase of developing a strategic plan for growth and development. Once results are in, a series of public meetings will be scheduled to get even more input from individuals in the community."

Miller is hoping to have 100 percent of the surveys returned to his office. Residents will receive the forms this week in a self-addressed, stamped return envelope.

"We need them all back in the office by Feb. 27," Miller said.

Citizens will be asked to rank the following on a one to five basis with one being the most important and five the least important:

- residential growth
- preserving agricultural land
- securing adequate public services such as roads, sewer, water, schools
- open space
- industrial/commercial

Those surveyed will also be asked to rate how strongly they feel about the following types of development: residential,

See SURVEY on page 2B

Continued from Page 1B

(housing), retail, parks and recreation, open space/green belts, farmland preservation, tourism, industrial, or other.

Ten more simple questions are asked on the back of the form.

No one surveyed is asked to give his/her name. The results are completely anonymous.

"The form will just take a few minutes to complete, but it is a vital to beginning the planning process," Miller said.

"Brown County is growing

very rapidly. We can be either reactive or proactive in developing a plan for growth. Growth is going to happen, but do we want to just let it happen or do we want to channel how it develops?" Miller said.

With the survey, Miller is retracing the steps taken by the former development director, but says the difference in the results will be an all-out effort to include people in the planning process.

THE CINCINNATI ENQUIRER

METRO

WEDNESDAY • JANUARY 26, 2000

EDITOR: DAVID A. WELLS, 768-8600;



CLIFF RADEL

Compact could have killed mine

Boone County can't seem to stop an underground limestone mine from opening for business. The county looks powerless to control its destiny and maintain the nature of the community.

This situation offers a valuable lesson for other rapidly growing areas transforming themselves from farmland to suburbia.

The lesson is this: Communities on both sides of the river can join forces to control their quality of life.

Regionalism — intense and thorough cooperation between states and counties — is the answer. The solution is specifically called an interstate compact. And a fine working example is as close to home as the commission that cleaned up the Ohio River.

Boone County residents and officials tried to regulate what kind of business comes into their area. Together they fought for years to keep Boone free of underground mines. But they lost the battle in court in 1997. Last week, proposals for two mining operations placed before the county made the arrival of a mine seem inevitable.

Back in 1997, a visiting circuit court judge ruled that Boone County can't prohibit a legitimate business from operating. People might not like mines. They may pollute the air, the land and the water. But, the judge ruled, mines are a legitimate business. They can't be zoned out of existence. In order to control or restrict businesses, the county must provide zoning rules and regulations, as well as a zone on the map where mining is permitted.

Experts I spoke with said Boone County could have avoided these problems with an interstate compact governing regional planning and economic development. If the compact had been in effect four years ago, and had guidelines dealing with mines, the compact's authority would take precedence over county and state jurisdictions.

An interstate compact could have helped Boone County avoid having a

Regional issues

The proposed mine would sit on the western edge of Boone County, near where the Interstate 275 bridge crosses the Ohio. Following a relatively untouched bend in the river, the Kentucky shoreline at this point mixes marshy inlets with a green carpet of flat farmland and thick stands of trees marching toward hilly bluffs.

Michael Romanos, University of Cincinnati professor of planning, notes that the blasting and transportation of the limestone could pollute water supplies above and below ground. The mine, he said, is not just a Boone County issue. "Pollution does not follow an boundaries."

Controlling pollution, he said, requires a regional approach.

Professor Romanos referred me to another expert in regionalism, Robert Manley. The Cincinnati lawyer has long been an advocate of regional solutions to area problems. He suggested the idea of an interstate compact to me.

"This device is one of the wise tools given to us by the founding fathers. They allowed for such compacts in the U.S. Constitution."

Interstate compacts allow counties and states to join forces for the common good of a region. County governments and state legislatures set up the compact and send it to Washington for congressional approval.

"They're not as difficult to pull off as they sound," the lawyer said. "And they do work."

Local precedent

Robert Manley cited as an example the Ohio River Valley Water Sanitation Commission (ORSANCO).

Instituted more than a half-century ago in Cincinnati by a forward-thinking Chamber of Commerce, ORSANCO was ratified June 30, 1948, at ceremonies in the Netherland Hotel's Hall of Mirrors. The independent agency represents the joint efforts of eight states and the Federal government to clean up the Ohio River.

Long before the Environmental Protection Agency was even a glimmer in Uncle Sam's bureaucratic eye, ORSANCO was at work. It used its monitoring and enforcement powers to transform the Ohio from an open sewer into a living river again.

ORSANCO's success could be a model for how to manage our growth as a region. The catch is, it's a model that takes regional cooperation and common goals to succeed. Mining that vein has never been easy here.

Columnist Cliff Radel can be reached at 768-8379; fax 768-8340.

DIANA CAHALL
7019 ASHRIDGE ARNHEIM RD
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The Independent

Mayville, Ky., January 25, 2000

22 pages, 50 cents

The Ledger Independent

First charges brought in theft ring investigation

By BETTY COUTANT
Staff Writer

A Lewis County Grand Jury returned a 27 count indictment against one man connected to a multi-state semi-trailer theft ring and ordered dismissal of receiving stolen property charges against another during its meeting Jan. 21.

Manford J. McCarty, 44, of Lucasville, Ohio, was charged with 13 counts receiving stolen property and 14 counts of obscuring the identity of a machine or other property, all Class D felonies.

The grand jury failed to indict Timothy W. Stacy, 24, of Piketon, Ohio, citing insufficient evidence.

The two men were arrested by the Lewis County Sheriff's Office on Nov. 21, after a tip lead officials to the Vanceburg Bee Mart where they allegedly observed the men in possession of a stolen semi box trailer.

Lewis County Commonwealth Attorney Lloyd Spear said the investigation is still in progress and he expects further charges to be brought against Stacy.

Sheriff Bill Lewis said his office and the Ashland branch of the FBI are still investigating the case and have new information to present to the grand jury when it meets next month.

Lewis said more arrests and indictments are expected.

The investigation, which began after Deputy Bryon Walker became suspicious concerning an attempt to register out-of-state trailers in Lewis County, has recovered nearly \$300,000 in stolen merchandise.

The grand jury also handed down several criminal charges against a Vanceburg man who attempted to escape from the Lewis County Detention Center on Christmas.

James Gilliam Jr., 23, of Halbert Ave. is charged with two counts second degree assault, two counts third degree assault, first degree criminal mischief and first degree criminal attempt to commit escape.

Three deputies were injured when Gilliam allegedly tried to escape during the evening meal. He allegedly pushed Deputy Jailer Barbara Forman down injuring her ankle and breaking her hand then hit Deputy Alan Chinn in the face while trying to enter the control room. Gilliam then struck Deputy Ben Hammond on the head with a metal detector. The three deputies were assisted by two inmates in subduing Gilliam and returning him to his cell.

Also indicted:
• Allen "Spanky" Richardson, 19, of Vanceburg. The indictment charges that Richardson "committed the offense of rape, first degree" on or about Dec. 18.

• Jason T. Shumate, 19 of Route 1, Vanceburg on a charge of third degree criminal facilitation of burglary. Shumate allegedly "knowingly provided (Michael Lee Byar II) with the means and opportunity for the commission" of a Oct. 27 burglary of Black Oak Market.

• Michael T. Fite, 30, of Route 1, Tollesboro was charged

Charges: Investigation of semi trailer theft ring bears fruit

Continued from Page One

with first degree attempt to commit escape. Five allegedly injured Deputy Barbara Forman when he took her keys and opened a door.

• Michael Lee Byar II, 21, of Vanceburg, on a charge of third-degree burglary for allegedly burglarizing the Black Oak Market on Oct. 27.

• Mona Lisa Presley of Vanceburg was charged with second-degree burglary for allegedly burglarizing a home owned by James Reeves on Dec. 31.

• Steven Cooley of Garrison was indicted on one count of felony receiving stolen property for allegedly possessing a grinder that was stolen from

Bolander Sawmill and resaws stolen from Riemer's Sawmill. • Joshua D. Wilson, 20, of 818 Front St., Vanceburg is charged with two counts second-degree burglary for home burglaries that allegedly occurred Oct. 23 and 26.

• David S. Caudell, 29, of Route 1, Tollesboro, was indicted on three counts of second-degree criminal possession of a forged instrument for allegedly possessing checks with the forged signature of Theima Caudill on an account at the Bank of Mayville.

• Jon Carter Caudell, 23, of Route 1, Tollesboro, is charged with 11 counts of second-degree criminal possession of a forged

instrument. Caudell allegedly passed worthless checks at the Tollesboro BP station and Hines Grocery.

• Gary L. Call, 34, of Firebrick, is charged with trafficking in marijuana, over eight ounces; first offense DUI, operating a motor vehicle on a suspended license; possession of drug paraphernalia; no Kentucky registration plate; no Kentucky registration receipt and possession of canceled operator's license.

• Laura J. Moore, 26, of Route 1, Vanceburg, was charged with one count, possession of drug paraphernalia second offense.

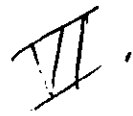
• Timothy D. Plank, 21, of Echo Hills Apartments, Vance-

burg. The indictment charged Plank with two counts third-degree burglary for allegedly burglarizing the east and west buildings of the Greenbriar Plaza Market.

• Luke C. Buckler, 40, of Slacks Branch Road, Greenup was indicted on one count of driving on a suspended license for third DUI or greater.

• Melissa Bloomfield, 37, of Vanceburg, is charged with second-degree assault. Bloomfield allegedly cut the throat of Jerra Bloomfield with a knife on Nov. 21.

• Tony Bevin, 22, of Vanceburg, was charged with one count of theft by unlawful taking over \$500.



Roads: Wider inquiry sought

CONTINUED FROM PAGE A1

referring questions to his lawyer. "We see no basis to believe he did anything to deceive anyone," said lawyer Bill Seitz. "We categorically deny there was an attempt to deceive anybody."

He said Mr. Perry cooperated fully with internal auditors to try and explain the problems and the methods used for calculating street repair work.

Not so, Mr. Hanbauer told the City Council on Tuesday. "There is one person right now who knows what happened, and he has decided not to tell us why," he said of Mr. Perry.

In annual reports between 1991 and 1997, city engineers reported that 818 lane-miles of roads were repaired at a cost of about \$65 million. But in an internal audit found 460 lane miles had actually been completed for about \$50.5 million.

The upshot of this is that 60 percent of city streets are not in good condition and city transportation officials say it could take 20 years to catch up.

"None of the information forwarded to the city manager or the

City Council was based on fact," said Mr. Hanbauer. "The city manager has concluded that discipline should be considered for the three engineers."

In responses to the audit, City Engineer Prem Garg, Principal Highway Engineer Brian Pickering and Jay Galt, the principal engineer responsible for construction management, said they did not know about the misreporting and had no way to stop it.

"It is not the responsibility of the city engineer to verify the data provided," Mr. Garg said in his response. He added that he disagreed with most of the audit findings.

Mr. Seitz said if there was a problem in the way road reports were done, it was the system that was at fault, not his client.

"As far as Mr. Perry is concerned, he put together the reports the same way he did every year," Mr. Seitz said.

He said Mr. Perry was never given a chance to write a response to the audit findings.

"The guy who they are trying to hang all of this on has never even seen the reports," Mr. Seitz

said. In reporting street repair work, Mr. Perry counted all the work that was done during a year. Mr. Seitz said his client was not told to separate accounts for different type of work.

That meant money set aside for basic street repair work was getting spent on various types of road projects, Mr. Seitz said. And at the end of the year Mr. Perry counted all the work as road repairs.

Transportation Director John Deatrick made similar statements two weeks ago, saying the \$15 million was diverted to projects that shouldn't have gotten the money.

Because of political pressure from the City Council and community groups to get particular streets repaired, money slated for basic road repairs went to 25 other high-profile projects.

Mr. Deatrick, who became director of the newly formed transportation department in November, said that employees could face serious discipline, including possible termination. Comparing the discipline pro-

cess to a grand jury, he said the employees would all be given a chance to present a defense at a hearing and that any recommended punishments could be appealed to the Civil Service Commission.

While council members said they were offended by some of the excuses offered, some said the problem is a reflection of the city manager.

"Citizens have a right to be incensed," said Councilman Paul Booth, who called for the hearing as part of the Neighborhood and Public Works Committee meeting.

Mr. Booth said that, even after Mr. Shirey discovered the problem, he failed to inform the council and held onto incriminating reports for weeks before making them public.

Mr. Shirey, who did not attend the meeting, refused to comment Tuesday night.

"I'm sorry Mr. Shirey is not here," Mr. Winburn said. "I want to know why only three employees were targeted in this."

Councilman Charlie Winburn said during a public hearing Tuesday. "The three employees who have been singled out are being scapegoated."

Three current employees and one former employee were named in a report released last week by Internal Auditor Greg Hanbauer, who said guesswork, management neglect and possible criminal conduct led employees to lie about how many roads were being repaired year after year.

Mr. Hanbauer said the city manager called for his office to do two investigations, one in October to determine the scope of the problem and another in December to find those responsible.

Most of the blame was leveled on former senior engineer Doug Perry, who resigned in 1998 and was responsible for amassing the road report data.

Mr. Hanbauer said Mr. Perry fabricated information and his three supervisors contributed to the problem "by their actions or inactions."

But Mr. Perry said Tuesday he did not attempt to deceive anyone.

"All of that money can be accounted for," he said before

(Please see ROADS, Page A4)

Engineers face firing in street deception

1/26/00 - A-1
Council seeks wider investigation

BY ROBERT ANGLE
The Cincinnati Enquirer

Three of Cincinnati's top engineers are on paid administrative leave and face discipline that could include firing for not catching seven years of fabricated road repair reports.

But that's not enough for City Council members, who are calling for an investigation by an independent special counsel into why city engineers reported completing \$15 million in basic road repairs that never got done.

Although road repair reports have already been turned over to the county prosecutor — and despite continuing inquiries by the city's internal auditor and the Office of Municipal Investigations — council members said Tuesday they want to determine the extent of what they called "the fraud" and whether City Manager John Shirey is to blame for a lack of oversight.

"I don't think Mr. Shirey should have the ability to manipulate this investigation,"

BUJUNYVALI DWUJUNYVA

City engineer lacked license

Overseer of road repairs failed test

BY ROBERT ANGLIN

The Cincinnati Engineer

The Cincinnati engineer who has been blamed for fabricating seven years of street repair work, **wasn't licensed** as a

Professional Engineer and "He was a senior engineer and not licensed in the state," said a city official Friday.

City officials Friday said they were unaware Mr. Perry — who resigned in 1998 — did not have a state license and could not get his license until he was 17 years old.

That program is under review by the city solicitor's office and the Hamilton County prosecutor for possible criminal wrongdoing — and is the subject of probes by the city's internal auditor and the Office of Municipal Investigations.

In annual reports between 1991 and 1997, city engineers reported a total of 818 lane miles of road repair had been completed for about \$65 million. An internal audit in December found only 460 lane miles had been completed for about \$50.5 million.

The cost difference was diverted from basic street repairs into other road projects that shouldn't have gotten the money, officials say.

The upshot is that 60 percent of city streets said to be in good condition are actually in poor shape, and transportation officials say it could take 20 years to repair them.

Three of Mr. Perry's superiors have been placed on paid administrative leave for failing to catch the misrepresentation, Mr. Perry contacted where he works at Perry Industries in Hamilton, refused to comment. (Please see REPAIRS, Page A5)

Repairs: Senior engineer wasn't licensed

CONTINUED FROM PAGE A1

Friday.

His lawyer, Bill Seitz, said Mr. Perry never attempted to

deceive anyone.

"He has an engineering degree. He has a certification that says he passed part of the certification process," Mr. Seitz said.

"In order to become an engineer, he had to turn in proof of the test that he passed."

But that test is only one of two that state and city officials say Mr. Perry needed in order to become a licensed engineer.

State records show Mr. Perry passed the Principles and Practices of Engineering test on April 11, 1986. On April 12, however, he failed the Fundamentals of Engineering test. He

failed the test again a year later, scoring 66 percent on both.

But city officials were unaware of that until this week, when Mr. Greenhalge said he checked Mr. Perry's background after reading news reports of the road rehabilitation problems.

"I called the city first," he said.

He said the engineers and surveyors board could launch an investigation that could result in fines, penalties or criminal charges for practicing without a license.

Mr. Perry, who was hired by the city in 1981, was promoted on July 17, 1986, from engineering-in-training to engineer based on a recommendation from the city's engineering department.

Mr. Perry has completed the required training and attained professional registration by the state board as required by the classification specification, City Engineer I.E. Young wrote in a letter contained in Mr. Perry's personnel file.

City Manager John Shure, who has been criticized by some City Council members for a lack of oversight on the roads situation, did not return calls Friday.

Transportation Director John Deatrick acknowledged that he promoted Mr. Perry.

Several months after Mr. Perry resigned in 1998, she would have needed an engineer's certificate from the state, said the city began requiring that.

But he would not say how the promotion was made without it. "I'm afraid that is now part of the investigation," he said.

Perry was responsible for the

In 1988, Mr. Perry was promoted again, this time to senior engineer, where he made about \$50,000 a year.

Mr. Seitz said his client never needed to pass the second test because he wasn't trying to pass himself off as a "practicing engineer," per the state certification. He said his client never stamped documents as a professional engineer.

Ms. Butner said all senior engineers are required to show proof of passing both tests. She said the city requires its engineers to have state certificates.

Several months after Mr. Perry resigned in 1998, she would have needed an engineer's certificate from the state, said the city began requiring that.

But he would not say how the promotion was made without it. "I'm afraid that is now part of the investigation," he said.

Perry was responsible for the

Those supervisors, she said, are two of the engineers now on administrative leave.

XIII

EIS001207

Power outage reminder of need for winter disaster preparedness

By T. J. TUCKER
Staff Writer

A recent electric outage affecting Brown County has village and county officials checking to see if they are ready to meet the needs of their citizens in the event of a winter disaster.

Four thousand Cinergy (Cincinnati Gas & Electric) customers were without power Monday night due to equipment failure at an electric substation on Ripley Road.

Kathy Meinke spokesman for the company said the outage, which occurred at 9:25 p.m. and was restored at 10:05 p.m., affected customers in the following areas: Union Township, Ripley, Georgetown, Russellville, and Mt. Orab.

"With the bitterly cold temperatures on Monday, we were concerned about the elderly and those citizens with medical problems. We're going to learn from this so we'll be prepared the next time an outage occurs," Ripley Mayor Kathy Gast said.

Gast reported at Tuesday's meeting of council that the village had been without power for one and a half hours. Some citizens outside the village experienced outages for up to three hours.

Gast has been in contact with Brown County Emergency Management Agency Director Jane Cahall. The two plan to sit down together and work out a plan to be used in case of a winter emergency.

Cahall commended Cinergy employees for the quick response in locating the problem and restoring service to the area.

Ideas so far include getting with the Ripley Union Lewis School District to see if they have auxiliary power to provide emergency heat and shelter to citizens; a buddy system to check on the elderly or disabled in the event of an outage; using buses to bring citizens who are unable to transport themselves to an emergency shelter and making citizens aware of steps they can take to be prepared for a winter power outage. Cinergy offers the following suggestions on what to do if a winter storm knocks out your power:

Keep an emergency kit ready. Make sure to include flashlights, a battery powered radio, fresh batteries, sleeping bags and electric blankets. (Even if a home is heated with an oil or gas burner, it stills requires electricity to operate.)

Turn off and/or disconnect appliances that will go on automatically when the power is restored. This includes air conditioners, televisions, computers or other electronic equipment. According to Cinergy, there will be less chance of damage to appliances once energy is restored, if this precaution is taken.

Make sure your family stays away from any fallen wires, which could be 'live' or dangerous.

If a portable generator system is used during outages, make sure it has a transfer switch to prevent backfeed into company lines. This switch protects repair crews from injury. It also protects generators from damage once energy is restored.

If power is out for more than two or three hours, the heat pump should not be restarted until power has been restored for at least three hours. This gives the sump heater time to drive liquid out of the compressor. Placing the thermostat in the emergency heat position will prevent the heat pump from restarting.

Make sure outdoor heat pump units and fans are free from obstructions such as ice or snow. If the unit is buried, switch to emergency heat until you dig the unit out. For more information consult the owner's manual or contact the local dealer.

To prevent pipes from freezing: open cabinet doors for pipes on an outside wall and enclosed in a cabinet; allow a small trickle of a mixture of hot and cold water to come out of the faucet; wrap exposed pipes with heat tape which meets safety guidelines or 3-inch wide insulation and duct tape. If pipes do freeze, but are not broken, call a plumber.

For more information call Cinergy customer call center at 1-800-262-3000. Call village government officials before an emergency occurs to see what they recommend in the event of



Long, hard road ahead for Lewis County boy

By BETTY COUTANT
Staff Writer

A four-year-old Lewis County boy has spent the last two months in a Cincinnati hospital fighting for his life and the battle is not over.

Tyler Mason, son of Rick and Angie Mason, of Tollesboro, underwent surgery for a malignant brain tumor on Dec. 8, and faces 14 more chemotherapy treatments before he may begin physical therapy to relearn how to walk and talk, Lilian Mason, Tyler's grandmother, said.

"Sometimes he can't hold his head up and he just says 'Mom, I want to go home,'" Mason said.

Tyler's father has taken an extended leave of absence from his job so he and Tyler's mother can be close to their son.

Doctors say Tyler will likely make a complete recovery but it will be a long road for the boy, Mason said.

Tyler is also the grandson of Ronnie and Emma Hord of Rectorville and the brother of Jason Denton, a student at Tollesboro Junior-Senior

Maysville Online
<http://www.maysville-online.com>

EIS001207

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AEP reports six-year electric demand record

By T. J. TUCKER
Staff Writer

American Electric Power Company set a new winter record for electric demand in Ohio on Tuesday in the 25-county area formerly defined as Columbus Southern Power Service area, as temperatures dipped into the teens and single digits.

During a one-hour period ending at 8 a.m. demand averaged 2,996,000 kilowatts of electricity. The previous record of 2,935,000 kilowatts was set during the hour ending at 7 p.m., Jan 18, 1994.

Electric demand is the maximum amount of electrical energy required by all customers at the same point in time. The record is determined by averaging instantaneous demands over a one-hour period.

According to Deb Strohmaier, Ohio Corporate Communications manager, during bitterly cold days such as the area has been experiencing this week, furnaces and heat pumps run longer to maintain comfortable levels inside homes and busi-

nesses.

Increased energy use translates to higher bills when compared with milder weather in the months of November and December.

To help manage energy use, AEP offers these cold-weather tips.

Make sure all heat and cold air return registers on floors and walls are open and uncovered to allow the free flow of warm air in every room.

Clean snow away from the sides of heat pumps.

Close drapes on cold, windy and cloudy days to keep warm air inside. On sunny days, even if it's cold outside, drapes should be open on the sunny side of the building to allow warmth from the sun to enter.

Using a humidifier will replace moisture in the air and make the air feel warmer.

Make sure fireplace flues are closed tight when not in use.

Avoid using the fireplace if it's very cold outside. Use can draw cold air into the home.

See AEP on page 2A

AEP: Record power demand

Continued from Page One

Close garage doors in homes with attached garages to keep cold air outside.

Make sure the weather seal around pet doors is in place and that doors shut tightly after the pet passes.

Set thermostats on continuous fan. Running the fan continuously will often save more energy than running the fan on

automatic because the heat is redistributed through the home and keeps heat pumps or electric furnaces from running as frequently.

Set thermostats at the lowest temperature comfortable for family members.

Avoid running exhaust fans for long periods when it's cold outside.

EIS001207

Crash kills two, spills waste

December 24, 1999

The Toledo Blade

BY DEE DRUMMOND
BLADE STAFF WRITER

TIFFIN - Two people were killed yesterday when a truck carrying low-level radioactive hospital waste collided with another truck at a rural intersection northwest of this city.

Firefighters arrived just after 7:35 a.m. to find the two vehicles fully engulfed in flames, said Dan Stahl, a Seneca County volunteer firefighter.

"You could tell it was a major crash by the condition of the two cars," Mr. Stahl said. "It was a really bad scene."

John Pope, 43, of Waterville was westbound on County Road 35 when he failed to yield for a southbound truck on State Rt. 635, the Ohio Highway Patrol said.

The trucks collided and then struck a tree on the side of the road before bursting into flames.

Emergency crews work to free the body of one of the victims of a fiery crash on State Rt. 635 near Bascom. (Toledo Blade photo by Lori King)

Mr. Pope, an employee of the Holland-based Syncor International Corp., was killed in the crash.

The Howell, Mich., man who was driving a delivery truck carrying cookies and crackers was identified as Karl Pervinkler, 36. It is not known whether the men died from the crash or the fire.

Firefighters were trying to extinguish the blaze when they noticed metal canisters with the warning "Radiation - Biohazard," said Mr. Stahl, who is the public safety administrator for Seneca County.

"We immediately got our radiation detection equipment and started checking the scene," Mr. Stahl said. "You could see the containers lying right on the ground. One broke open."

After a syringe on the ground tested positive for radioactivity, workers blocked roads while they waited for officials from the Ohio Department of Health and the state Environmental Protection Agency to arrive.

"We isolated everything that was in a zone out to where we thought it was safe," said Gene Kinn, a volunteer firefighter for nearby Bascom. "We were all concerned about what we were dealing with."

Mr. Pope, a Syncor employee for nine years, was in between hospital stops at the time of the accident. Syncor operates 130 nuclear pharmacies, delivering radioactive pharmaceuticals to hospitals, said manager Stacy Petot.

About 15 metal canisters containing small amounts of radioactive pharmaceuticals - biohazardous waste, such as syringes used to inject radioactive dyes - tumbled out of the Syncor truck. "Everything that was in that container was low-level," said Lynne Barst, an EPA spokeswoman. "It was not of a great concern."